1471. aaa 1

TO THE PARLIAMENT OF THE Common-wealth of ENGLAND, and every Individuall Member thereof.

The second humble Representation of Capt. John Harris,

In answer unto a Scandalous paper, lately exhibited in the name of one *John Cox*, pretended Agent of severall Trustees mentioned in the Ordinance for payment of Master *Pyms* Debts.

Prov: 28. ver. 21.

To have respect of Persons is not good, &c.

Prov. 23. ver. 3.

To doe justice and judgement is more acceptable to the Lord then Sacrifice.

LONDON,
Printed in the Year, 1651.

To the Parliament of the Common-Wealth of England, *and every Individuall Member thereof.*

Right Honourable,

WHen I conſidered the adviſe of the Wiſeman, who gives caution *not to anſwer a Foole in his Folly leſt we be like unto him*; I had reſolved not ſo much as to take notice of a late *lying ſcandalous paper*, entitutled, *A true Confutation of a falſe Repreſentation, of one that* calls himſelfe by the name of Capt. *John Harris*, publiſhed in the name of one *John Cox*, Agent to ſeverall Truſtees for payment of Maſter *Pyms* debts, (although the Gentleman was aſhamed to affix his hand thereunto, as by the ſaid paper appeares.)

Yet when I conſidered that by the ſaid Paper not onely my owne innocency was arraigned and unjuſtly ſentenced, but alſo the Intereſt of the Commonwealth apparently ſubject to prejudice, and that I (having ſo far traced the proceedings of the ſaid *John Cox*) had a poſſibility of repayring the one & preventing the other, by a timely diſcovery of the ſtrange Fallacies, and ſcandalous ſuggeſtions of the ſaid *John Cox*, who thereby hopeth to prevent my endeavours of procuring an equall diſcuſſion of ſeverall matters of Fact, wherein the honour, juſtice and Intereſt of the Common-wealth is eminently concerned; I ſay the conſideration thereof conſtrained me once more to put pen to paper, and clearly and ingenuouſly, according to the utmoſt of my skill, ſo to ſtate the Caſe, that every eye may judge whether what I have endeavoured be for the advance of my owne Intereſt, as in the ſaid paper is falſely ſuggeſted, or for the advantage of the Common-wealth.

In the firſt place inſtead of a confutation he comes in with a ſcandalous calumniation, ſuggeſting that the Repreſenter appeared onely for the Intereſt of Papiſts and Delinquents (but names none) neither dare he, leſt he ſhould be put to as much trouble to prove it, as he hath beene to give his two various accounts upon his owne oath, concerning the eſtates truſted for Payment of Maſter

Maſter *Pyms* debts. But certainly the Gentleman miſtook himſelfe when he thought his crying out againſt the proceedings of one, that he would faine have the world beleeve, to be a Papiſt, thereby to create a prejudice againſt the Repreſenter and the things Repreſented, ſhould be any enducement to the perſons of Gravity and honour by him mentioned, either to beleeve him, or condemne me, untill they had heard both parties, and examined the matters of Fact; and therefore in my opinion he might well have ſpared that labour. For I humbly conceive, if I were a Papiſt in Armes my ſelfe, and ſhould offer any thing unto the conſideration of Parliament, that tended unto the advancement of the Intereſt of the publique, it would not be ſo much conſidered what I was, but what I purpoſed; in ſuch caſes, the things, not perſons, being to be reſpected.

But ſuppoſe the Caſe were as the Gentleman would have it, nothing would accrew thereby to his benefit: for if the Eſtate of *Thomas Morgan* and *John Preſton* were ſetled for payment of Maſter *Pyms* juſt debts, certainly thoſe debts muſt appeare, and be duly proved, and not Maſter *Cox* left at liberty to bring in eight or ten thouſand pounds debts of the Lord *Sayes*, the Earle of *Mancheſter*, Sir *Benjamin Rudiards*, who is one of the truſtees, and others.

And ſuppoſe all the Debts claimed were admitted, yet the truſtees muſt onely enjoy *Morgans* and *Preſtons*, and not the eſtate of any other perſon, whether Papiſt, Delinquent, or both; For certainly the Parliament *as they were juſt in ſaving the Right of all other Perſons, then the Heires, Executors, Adminiſtrators or Aſſignes, of Morgan and Preſton by their Ordinance for ſettlement*; So they will be juſt in making it good. And truly I apprehend that my endeavours, if any ſuch have beene, to preſerve the *honour* and *juſtice* of *Parliament*, although as is pretended unto an enemy, will not by any unprejudiced unintereſſed perſon be lookt upon as a diſ-ſervice.

But further, I would faine have the Gentleman unmaske himſelfe, and tell me this Papiſt and Delinquents name, and then I ſhould be able to ſpeake to the purpoſe; For now I do but gueſſe at his meaning. I remember once at *Haberdaſhers-Hall* the Genleman to hinder my endeavours of calling him to an account, did ſuggeſt that I only appearded on behalf of one Sir *Anthony Morgan*, whom he then ſuggeſted to be *a Papiſt in Armes*, but

Mr. *Rich* being Councell for the ſaid Sir *Anthony* did clearly diſprove that his ſcandalous ſuggeſtion by the produce of a Certificate under the hands of *Joſias Barners*, one of the Commiſſioners & *Juſtice Lowther*, of his having taken the oath of abjuration, the truth whereof Mr. *Cox* knowes well, and yet contrary to the light of his Conſcience will proceed in ſuch his calumnations; But this is only matter of ſuppoſition, and therefore untill the Gentleman make a particular diſcovery, I ſhall as to that be ſilent: But to proceed, the Gentleman in the fifth pag. of his Paper, endeavouring to wave the order of Parliament of 13 *Feb.* 1643. which aſcertained Mr. *Pyms* Debts to ten Thouſand Pounds, and takes upon him to give you the reaſon of Parliament for leaving the debts at an uncertainty in the Ordinance; to wit, becauſe the Debts were great, and the Greater, for the intereſt growing between the time of the ſaid Order, and paſſing the Ordinance, which was about two yeares after; But he had forgot to tell you that Sir *Benjamin Rudiard* received three half yeares Rent out of *Morgans* Eſtate, between *Feb.* 1643. and *Ian.* 1645. the time of the paſſing the ſaid Ordinance, ſo that the Debts might have been leſſened, if he and his good Maſter had pleaſed; as alſo that the Children of Mr. *Pym* received ſeverall ſummes out of the Revenue for their maintenance before and ſince the Ordinance; as will appeare by certificate of Mr. *Coſins*, Secretary to the Committee of the Revenue. And a little further he tells you that the greateſt part of theſe Debts were contracted by Mr. *Pyms* neglect of his own private eſtate for the ſervice of the Common wealth. Now although I doe honour the memory of Mr. *Pym*, and acknowledge his faithfull induſtry on behalfe of the publique, yet I muſt be bold to tell the Gentleman that in this he hath greatly abuſed the truth, and for proofe thereof ſhall quote Mr. *Sherwins* Report, by which it appears that of all the debts challenged (ſome whereof have been owing ever ſince *Jan.* 1622. *May* 1631. and ſo upward to 1640) there hath not been above two thouſand two hundred pounds borrowed by Mr. *Pym* ſince the Parl. ſate, and the Lord *Say*, Lord *Brooke*, the Earle of *Mancheſter*, Sir *Benjamin Rudiard*, or ſome one or more of them are parties to ſome of the ſaid Debts too; but Mr. *Cox* is a confident affirmant, though he hath a treacherous memory; and cannot make his tales hold well together.

In the next place in anſwer to my allegation that the Debts of

of Mr. *Pym* were not proved: He flies to his ſanctuary the Report of Mr. *Sherwin*, whoſe name he ſets downe with an Emphaſis for his greater Glory; ſayes he, it appeares by the Report of Mr. *Auditor Sherwin*, that the greateſt part of them are proved, and the reſt are ready to be proved, before the Honourable Committee nominated by the Parliament, for taking the Accompts of the ſaid Truſtees.

But truly I ſhall joyn iſſue with Mr. *Cox* upon this account, and tell him that notwithſtanding all his mincing of the matter, not one of the Debts are proved, either as was required by the order of *Jan.* 29. 1650. or by the Order of the 18. of *March*, 1650. or as they ought to be in juſtice and equity. Next he endeavours to ſhuffle off that materiall allegation of mine in my Repreſentation; To wit, (That the Debts and Intereſt charged in Mr. *Cox* his Accompt to be paid, did not appeare by any of the Creditors examined,) with ſaying the Creditors were not examined to that point, and that the money charged to be paid in the Accompt was to other perſons not there produced. If it be true as he ſayes, I muſt be bold to ſay there was the greater partiality or negligence. For the Order of *March* 18. 1650. did enjoyn the Interrogating the Creditors, not onely what was due, but what was paid, and by whom; for that it was poſſible Mr. *Pym* in his life time might pay all or part of many Debts now challenged to be due; and it was alſo ordered that Mr. *Cox* or the Truſtees ſhould aſcertaine and prove all Mr. *Pyms* Debts, and not to take ſome and leave ſome, and Mr. *Brewerton* did draw up Interrogatories according to the ſaid Order, and ſent them to Mr. *Sherwin* to examine the Creditors to that purpoſe; and I cannot beleeve Maſter *Sherwin* did omit ſo materiall an examination, ſo much concerning the benefit of the Common-wealth, and thoſe perſons who were not produced, to whom he pretends to have paid his Accompt, ought by the ſaid Order to have been produced, if any ſuch Creditors had been, which giveth great cauſe of beleefe, there never were any ſuch Creditors in being, and that the 5171l. remaineth as caſh to be accounted for by Mr. *Cox* to the Common-wealth; but Mr. *Coxes* ſeeming confident reliance on the mentioned Report, and his affirmation of being ready to prove the remainder of the Debts, are but Reeds, which will ſtand him in little ſtead, they are but Cobweb Lawn, and the myſtery is ſeen through, for I would have all rationall men to judge, wherefore the Parliament

ſhould be troubled to take care of this particular Caſe, which was under the Conſideration of thoſe which they had made proper judges, and by whom ſuch pains had been taken to find out the truth of the Caſe, that by their Report (if need had required) the Parliament might have been truly enformed.

I ſay I would faine have Mr. *Cox* tell me the reaſon, for I cannot fathome it, only to me it appeares that it was done out of deſigne to prevent the Commiſſioners farther ſearch in the buſineſſe, whoſe criticall examination he could not endure with ſafety, and therefore found out this way by ſome ſubtile ſuggeſtion or other to engage the Parliament to tranſmit the examination thereof unto a Committee, altogether unacquainted with the proceedings that had been thereupon, thereby hoping before any were aware to get himſelfe free of the account, and ſecured in the execution of his fraud and oppreſſion.

As to his flouriſhes concerning the values of the eſtate and his improvement, together with what he hath received and paid, with the extravagancy of his and his fellow Agents accompts, ſeverall ſummes of the Common-wealths money being charged upon accompt *for the leaping of Mr. Pyms Mare*, and for *Ale and Tobacco for Mr.* Cox *and the like*, all theſe things being matter of Fact, I ſhall referre them to the examination and judgment of the perſons entruſted therewith, onely for the better ſatisfaction I will propoſe a few things to conſideration, and then referring my ſelfe unto my Repreſentation formerly exhibited, humbly ſubmit my ſelfe unto your graver judgements.

1. Whether it be not juſt and equall that the Debts of Mr. *Pym* ſhould be proved to be his proper Debts, as alſo when and how they became his Debts, and whether any of them were paid by him in his life time?

2. Whether it be not reaſonable where the Earle of *Mancheſter*, the Lord *Say*, Sir *Benjamin Rudiard*, or any other ſtands bound together with Mr. *Pym*, that they ſhould prove Mr. *Pym* to be the Principall, either by witneſſe upon oath, or the produce of Counterbonds?

3. The Parliament having ſettled the Intereſts and Eſtates of *Morgan* or *Preſton* only, which they had 1641, for the payment of Mr. *Pyms* Debts, and by their Ordinance ſaved the Intereſt of all perſons other than their Heires, *&c.* If any other perſon have a legall title to all or any part of the premiſſes, whether

is

is it for the advancement of the Honour, Juſtice, or intereſt of Parliament, that the ſaid *Cox*, &c. upon pretence of the Ordinance ſhould detain the ſaid Eſtate? For if the perſon claiming be as he ſuggeſts a *Papiſt* and *Delinquent*, although his Eſtate be forfeit unto the Common-wealth: yet it appertaines not to the Truſtees either in right of Sequeſtration or ſale, they being to enjoy no more then by their Ordinance is ſetled.

4. Whether it be not rationally to be expected that Mr. *Cox* (who hath already exhibited two various accompts upon his oath, beſides ſeverall other papers under his hand abſolutely contradictory to one another,) ſhould be forced to make other proofe of his receipts or disburſments then his own oath?

5. Whether (conſidering that Mr. *Cox* will not diſcover the true value of the Eſtate ſettled) It would not conduce very much to the clearing of the truth and ſecuring the Common-wealths intereſt, to have a Commiſſion executed for diſcoverie of the true values, and what he hath leavied thereupon, for I conceive the Truſtees affirmation that they have received no more, can be no diſcharge to Mr. *Cox*, who hath or might have received more; having enjoyed the Eſtate ſix yeares, being acknowledged to be of the value of 2480l. *per an.* beſides Wood and Timber ſold; which if examined will amount to a conſiderable value.

6. Whether the produce of ſeverall ſpecialties pretended to be diſcharged by Mr. *Cox* as Mr. *Pyms* Debts, the ſame not being proved, can be admitted as a ſufficient diſcharge, for five thouſand and odde pounds by him received and charged as paid in his account.

7. Whether Mr. *Coxes* pretence of having paid ſeverall great ſums of Money to *Charles* and *Katherin Pym*, one whereof hath been long dead, and the other remaining in the *Antego Iſlands*, (of which Mr. *Cox* will take no notice) whether I ſay that ſhall be allowed, as part of their portions, paid them while the Debts are unpaid, and the intereſt encreaſing to above five thouſand pounds, all which is charged upon the State.

But not to trouble you further, I earneſtly deſire all thoſe to whoſe hands this paper ſhall come, ſeriouſly to reade the ſame, together with the Repreſentation formerly publiſhed, and then judge whether what I have done or do in the premiſſies do not tend viſibly to prevent the fraudulent proceedings of the ſaid *John Cox*, and ſecuring the juſt intereſt of the Parliament. As for his great outcry of my appearance for *Papiſts*, and *Delinquents*; it ſignifies nothing untill it be proved, and if proved, I humbly conceive the juſtice of Parliament ought to be as tenderly preſerved to them as any other; and I in endeavouring the ſame am no way culpable.

For my part I ſcarce know Mr. *Cox* or any other perſon concerned, neither

neither have I any personall prejudice against them: but since I have come to the knowledge of their proceedings, I did conceive my self obliged to make a discovery thereof, and by Gods blessing am resolved to pursue the same, untill I shall obtain an equall hearing; and I doubt not but in the end, were his Masters and Friends my Judges, it would really appeare that his Agency hath been detrimentall both to their honour who trusted him, and to the Common-wealth; and that the Gentleman who calls himself by the Name of Capt. *John Harris*, (as he conceives he justly may do, having since *March* 25. last past as a Captain expended of his own Estate above one hundred and threescore pounds for advancement of the Publique Service) will appeare as he hath since the beginning of the late Warre, (wherein he hath faithfully served the Parliament in matters of greatest Consequence) a reall Servant unto the Honour, Justice and interest of the Parliament, to whom he is resolved to adhere to the Hazard of his life and estate, when such Flesh-flies as his Calumniators, who love them onely for what they can suck from them, will hide their heads, or by a conjunction with their enemies manifest their malignity.

Time will evidence all things, and there is a good God that judgeth the intention, and will lay open the Hidden Secrets of the heart, to him I appeale, on him I depend, well knowing that the hearts of Rulers and Judges are and shall be framed and disposed for the accomplishment of his end, *viz.* The impartiall execution of justice, without respect of persons.

Lambeth Marsh,
Aug. 1651.

In the assurance whereof I am bold in all humility to subscribe my selfe, yours, and the Common-wealths reall servant to my power,

JOH. HARRIS.